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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KIRF](#) [EG](#)
SUBJECT: NATIONAL COUNCIL FOR HUMAN RIGHTS VP ON HUMAN
RIGHTS AND RELIGIOUS FREEDOM CHALLENGES

Classified by Ambassador Francis Ricciardone for reasons 1.4
(b) and (d).

Summary

1. (C) The Ambassador raised a range of human rights and religious freedom issues with National Council for Human Rights (NCHR) Vice President Ahmad Kamal Aboul Magd. In addition to reviewing recent religious conversion controversies, Ayman Nour, military tribunals against the Muslim Brotherhood, and the draft anti-terror law, Aboul Magd also addressed NCHR's mandate and procedures, and his relationship with President Mubarak. Aboul Magd characterized his work as "Mission Difficult" but not "Mission Impossible." End summary.

2. (C) The Ambassador and poloff called on Aboul Magd at the NCHR on August 8. Aboul Magd, who was reappointed in early 2007 to a second three-year term as NCHR VP, is a former Minister of Youth and Information, a constitutional law scholar, diplomat, and a current partner in the elite Cairo law office affiliated with Baker McKenzie. Aboul Magd's son Wael, a diplomat, recently completed an assignment as Egyptian DCM in Washington.

Conversion

3. (C) The Ambassador asked Aboul Magd about recent public debates in Egypt regarding conversion away from Islam. Aboul Magd did not address specific cases but observed that the political rivalry between the ruling National Democratic Party and the Muslim Brotherhood leads both sides to try to "out-Islamize" each other. Rather than focus on more pressing issues like economic development, pollution, or education, said Aboul Magd, the GoE and the Islamist opposition are easily distracted by "divisive, useless debates" that divert attention from the real issues. Aboul Magd said that extremists on both sides of the conversion debate take a "catastrophic approach" that stirs up resentment and anger and could possibly lead to sectarian strife. "The atmosphere is very tense," he observed. Aboul Magd opined that the issue might best be addressed by a national committee, including religious leaders, working outside the glare of the media, to rekindle a traditional Egyptian sense of citizenship, to discuss religious issues "intelligently," and to strengthen respect for Egypt's constitutional guarantees of freedom of religion and equality. He warned against a growing undercurrent of perception that the USG aimed to stir up sectarianism, pointing to recent local media play of open-source reports to Congress that allegedly document favoritism by USAID programs

for Egypt's Christian communities.

14. (C) The Ambassador also asked Aboul Magd about Egypt's national ID card system, which requires citizens to self-identify as one of three "heavenly" religions (Jew, Christian, or Muslim) and effectively prohibits any attempt to convert away from Islam. Aboul Magd suggested that the GoE maintains this policy as a sop to the Muslim Brotherhood.

"Why do we need this policy?" he asked. There should be no reference to religion on the ID card, but only on such official documents as may be needed, such as hospital bracelets. "Let's not be intimidated," he advised. He recommended that the USG continue to raise such issues discreetly in official channels, and comment publicly, when necessary, with circumspection.

Ayman Nour

15. (C) The Ambassador asked Aboul Magd how we can best work for the release of Ayman Nour, noting that the conduct of the trial and appeal process had raised serious concerns about due process and the apparent political motive behind the prosecution. While not directly agreeing with the Ambassador, Aboul Magd suggested that the USG could best indirectly "support Egyptian voices" that have been critical of the Nour prosecution. Aboul Magd noted that he had met with Nour in prison "four months ago" and that while Nour has genuine health concerns, an independent doctor who he trusted has examined Nour and found that his health problems are not so serious that he should be released for health treatment beyond that which he is receiving in prison. Hence, Aboul Magd was not surprised by the July 31 denial of Nour's

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request for a health-based parole. The Ambassador asked Aboul Magd about any other avenues that might be open to Nour, in addition to his continuing health-based appeal. Aboul Magd noted that he thinks it may be worth trying to pursue the idea of a "general pardon for electoral crimes," which he said was "a traditional practice, not a matter of law" after hotly disputed (and flawed) elections during Egypt's era of constitutional monarchy (1923-1952). "We will try to raise this," said Aboul Magd. (Comment: We see scant reason to expect Mubarak would reach back to a pre-1952 "tradition" to release Nour, and we doubt he would need such pretext if he wished to release Nour. End comment.)

Military Tribunals

16. (C) The Ambassador asked Aboul Magd about the GoE's use of military courts to try civilians, such as the ongoing trial of 40 Muslim Brotherhood members, as well as the October 2006 trial of parliamentarian Talaat Al-Sadat, who was released in July. Aboul Magd replied that "As a constitutional lawyer, I cannot swallow this." Aboul Magd said that the ordinary Egyptian penal code is more than adequate to try such crimes. After all, said Aboul Magd, "Our regular courts regularly convict people of capital crimes." Aboul Magd noted that Egypt's community of constitutional scholars, including Parliament speaker Fathy Sorour, have long opposed the use of military courts against civilians since they deny the constitutional guarantee that citizens should be tried before their "natural judge" (i.e., civilians should be tried by a civilian judge in a civilian-run court with due process and a right of appeal).

Anti-terror Legislation

17. (C) Aboul Magd said he welcomed the GoE's recent public statement reaffirming its commitment to lift the State of

Emergency, which permits the use of the Emergency Law, in May 2008. "It's an awful law," he observed and said it was regrettable that it would remain on the books even after the formal State of Emergency is lifted. He said that Minister of Parliamentary and Legal Affairs Mufid Shehab, a personal friend, was "a good man" who was doing what he could to make the new anti-terror law "less violative of human rights" and to keep any "waivers of freedom" to the absolute minimum. Acknowledging that Minister Shehab was facing considerable pressure from "other authorities" to craft a tough new law, Aboul Magd said he had told Shehab: "We will not judge you by the results, but just please try your best."

18. (C) Aboul Magd also told the Ambassador that he is pushing for a revision of Egypt's definition of torture which he said is currently too narrow since it only criminalizes abuse by the authorities in pursuit of a confession. If a detainee is tortured after a confession or simply abused by a sadistic security official, there are not provisions in the penal code to support a prosecution.

NCHR's Role

19. (C) The NCHR, opined Aboul Magd, now in its fourth year of operation, had achieved limited but nevertheless notable success in building a new culture of respect for human rights in Egypt. USAID and EU support for this work has been important. (Note: USAID is providing a grant of approximately three million USD to support NCHR media outreach and related programs. End note.) Aboul Magd observed that globalization meant that state sovereignty is "no longer absolute." It is a "precondition for development that the individual must be safe before the State." He expressed satisfaction that NCHR had become an accepted part of Egypt's political landscape, though he lamented that some ministries (especially Justice and Interior) continue to provide less than adequate replies to the NCHR's formal referral of complaints. NCHR's task, he said, is "Mission Difficult," but not "Mission Impossible." Aboul Magd also provided copies of the newly-released English translation of NCHR's 2006-7 report (available online at www.nchr.org.eg).

Relations with President Mubarak

110. (C) According to Aboul Magd, President Mubarak, while

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occasionally irked by the NCHR's candid criticisms of the GoE, continues to "tolerate" the organization and its mission. Mubarak, said Aboul Magd, is cautious and always mindful of the advice given him by his security advisors "who surround him." Aboul Magd said that Mubarak expressed annoyance when NCHR criticized the constitutional amendment of article 179, which laid the legal foundation for expanded arrest and surveillance authority by the GoE under the draft anti-terror law. Aboul Magd said he reserves his most candid criticisms for private memos he sends directly to the President. Aboul Magd also observed that Mubarak retained some affection for him. The Mubaraks invited Aboul Magd to Gamal Mubarak's recent wedding in Sharm el-Sheikh, and the presidency also arranged for the recent repair of a herniated disk in Aboul Magd's spine by the same German surgeon who had previously treated Mubarak himself.
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